

FACTSHEET

TITLE: COMPREHENSIVE PLAN AMENDMENT NO.

06001, by the Director of Planning at the request of Mark Hunzeker, to amend the 2025 Lincoln-Lancaster County Comprehensive Plan on property generally located between North 40th and North 56th Streets, north of Interstate 80 and south of Bluff Road.

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission

Public Hearing: 08/02/06 and 08/16/06

Administrative Action: 08/16/06

STAFF RECOMMENDATION: Approval.

RECOMMENDATION: Approval (8-0: Carlson, Carroll, Cornelius, Esseks, Krieser, Larson, Sunderman and Strand voting 'yes'; Taylor absent).

ASSOCIATED REQUEST: Comprehensive Plan Conformance No. 06008, North 56th Street & Arbor Road Redevelopment Plan (06R-189)

FINDINGS OF FACT:

1. This proposed Comprehensive Plan Amendment and the associated proposed North 56th Street & Arbor Road Redevelopment Plan were heard at the same time before the Planning Commission.
2. This proposal is to amend the 2025 Comprehensive Plan as follows:
 - Change land from Agricultural to Industrial and Commercial between N. 40th and N. 56th Street, north of Interstate 80 and south of Bluff Road;
 - Change land from Agricultural to Low Density Residential on the south side of Bluff Road 1/4 mile west of N. 56th Street; and
 - Designate all of the land in the proposal as Tier I, Priority A and inside the Future Service Limit for Lincoln
3. This application represents over 400 acres of industrial use and 125 acres of commercial use between N. 40th and N. 56th Streets, from Interstate 80 to Bluff Road. It also adds a small area of Low Density Residential on the south side of Bluff Road, about 1/4 mile west of 56th Street. This proposal adds all of these land uses of over 600 acres to the Future Service Limit.
4. The staff recommendation of approval is based upon the "Comprehensive Plan Implications" and "Conclusion" as set forth on p.3-5, concluding that industrial and commercial uses are appropriate adjacent to the Interstate and the landfill. The proposed site next to Interstate 80 fulfills a key location criteria for some industries and distribution centers the City is targeting to expand or locate in Lincoln.
5. The minutes of the public hearing and continued public hearing before the Planning Commission are found on p.7-15. There was no testimony in opposition.
6. Mark Hunzeker testified in support on behalf of Developments, Unlimited, the applicant for the Comprehensive Plan Amendment, and submitted proposed amendments to the associated Redevelopment Plan, which staff agreed to incorporate.
7. On August 16, 2006, the Planning Commission agreed with the staff recommendation and voted 8-0 to recommend approval of the proposed Comprehensive Plan Amendment (Strand absent).
8. On August 16, 2006, the Planning Commission also agreed with the staff recommendation, as revised, and voted 8-0 to find the associated North 56th Street & Arbor Road Redevelopment Plan to be in conformance with the Comprehensive Plan, including the amendments proposed by Mr. Hunzeker.
9. Since the Planning Commission hearing, the applicant and staff agreed to remove references in the Redevelopment Plan to a residential area which had been intended to be part of a TIF district, based on concerns expressed by LPS (See Factsheet for 06R-189).

FACTSHEET PREPARED BY: Jean L. Walker

DATE: September 12, 2006

REVIEWED BY: _____

DATE: September 12, 2006

REFERENCE NUMBER: FS\CC\2006\CPA.06001

Comprehensive Plan Amendment No. 06001

N.56th (US-77) & Interstate 80

Location	Proposal
Generally between N. 40th and N. 56th Street, north of Interstate 80 and south of Bluff Road	<p>Amend the 2025 Lincoln/ Lancaster County Comprehensive Plan to</p> <ol style="list-style-type: none">1) Change land from Agricultural to Industrial and Commercial between N. 40th and N. 56th Street, north of Interstate 80 and south of Bluff Road2) Change land from Agricultural to Low Density Residential on the south side of Bluff Road 1/4 mile west of N. 56th Street3) Designate all of the land in the proposal as Tier I, Priority A and inside the Future Service Limit for Lincoln
Recommendation: Approval	

Status/Description

This application is for over 400 acres of Industrial use and 125 acres of Commercial use between N. 40th and N. 56th Street, from Interstate 80 to Bluff Road. It also adds a small area of Low Density Residential on the south side of Bluff Road, about a 1/4 mile west of 56th Street. Finally, it adds all of these land uses of over 600 acres to the Future Service Limit.

This amendment expands upon a previous amendment which added 200 acres of Industrial use to the Future Service Limit on the northwest corner of 56th and I80. The previous application, Comp Plan Amendment #05009, was approved by the City Council and County Board on June 20, 2005. It made the following changes to the Comprehensive Plan for the area of about 200 acres:

- a. Amended the "Lincoln/Lancaster County Land Use Plan" to add a "site specific" Light Industrial Center designation on the northwest corner of N. 56th Street (US Highway 77) and Interstate 80,
- b. Amended the "Urban Growth Tier", to change the land on the northwest corner of N. 56th Street (US Highway 77) and Interstate 80 from Tier II to Tier I, Priority A within the City's Future Service Limit,
- c. Amended the "Existing and Proposed Industrial Centers" map to add a "site specific" Light Industrial Center designation on the northwest corner of N. 56th Street and I80 and amended the list of "Proposed Locations" for future Industrial Centers to add a center at N. 56th Street and I80

The additional area of about 400 acres in this application, compared to the previously approved amendment, is in a different sub-basin and is designated Tier II. The entire area is west of the City of Lincoln Bluff Road Landfill Facility.

The primary purpose of this application is to provide nearly 500 acres of industrial zoning in order to potentially provide large economic development sites. Initially, the main interest is in marketing the site to large warehouses. In addition, the application includes 125 acres of commercial land that could be retail uses, such as hotels, restaurants, truck stops and gas stations.

Comprehensive Plan Implications

During the past year, the City and the applicant have been discussing providing infrastructure to this year. As part of the process of funding the improvements for this project, the City declared this land and surrounding area as blighted in October 2005, so that "Tax Increment Financing" (TIF) could be used to fund improvements. The "North 56th Street and Arbor Road Redevelopment Plan" is associated with this request (see staff report Comprehensive Plan Conformance #06008) and is the next step in the TIF process.

A large portion of the applicants' land naturally drains to the west into the Little Salt Creek sub-basin. The Little Salt Creek sub-basin provides habitat for the Salt Creek Tiger Beetle and Saltwort through the many Saline Wetlands located in the watershed. The Salt Creek Tiger Beetle and Saltwort are State listed Endangered Species. The Comprehensive Plan acknowledges the importance of these sensitive natural resources, and whose safeguarding for future generations is indispensable. The City, County, the Lower Platte South NRD and the State have implemented programs to protect and preserve the unique habitat offered by saline wetlands. Attached is a July 2005 letter from the Nebraska Game and Parks Commission outlining some of the issues that will have to be addressed in the future in regards to the development of this site in order to minimize impact on saline wetlands.

This proposal places industrial uses potentially immediately adjacent to existing and future Low Density Residential uses. The Health Department in the past has recommended against placing industrial zoning within 300 feet of residential uses.

The industrial and commercial uses in this application have over a mile of frontage along Interstate 80, which is a main entry into Lincoln. Page F 19a of the Plan also identifies a "Capitol View Corridor" extending to this location. The existing Nebraska Department of Road (NDOR) rest stop is oriented to this View Corridor. It appears NDOR is interested in removing the rest stop in the future and the applicant intends to include that land in the future industrial development. The Comprehensive Plan notes on page F 19:

"Preserve and enhance entryways corridors into Lincoln and Capitol View Corridors."

Public Works and Utilities also notes concerns about the impact of this large industrial and commercial development on Highway 77 and unimproved roads along N. 40th Street, Arbor Road and Bluff Road. Neither N. 40th nor Bluff Road are shown for improvement in the 2025 Road Network, thus this application will add to future road needs. (See attached Public Works and Utilities memo) The Road Network in the Plan will be updated as part of the 2030 Comprehensive Plan update currently underway.

It is recommended that in the future this area be developed under the provisions of the Employment Center District (I-3) zoning standards. This use permit district could address adequate setbacks to the residential uses, landscaping along the entryway, view corridors and future transportation concerns as part of the use permit process – while still allowing commercial and industrial development to proceed.

Change designation from Tier II to Tier I, Priority A:

The Comprehensive Plan does not include a method to evaluate changes from Tier II to Tier I. However, the criteria used to evaluate changing land from Tier I, Priority B to Priority A, can be reasonably applied to Tier II areas. The Plan states that Tier II Priority Areas should be considered first for addition to Tier I. The Comprehensive Plan states the following about priority areas on page F 29:

“Priority A of Tier I

Areas designated for near term development are generally contiguous to existing development and should be provided with basic infrastructure within 12 years of the adoption of the plan. Some of the infrastructure required for development may already be in place. This area includes some land already annexed, but is still undeveloped and without significant infrastructure. Areas with this designation are the next priority for infrastructure programming. Some infrastructure improvements may be done in the near term while others, such as road improvements that are generally more costly, may take longer to complete.

Priority B of Tier I

The next area for development beyond Priority A, which currently lack almost all of the infrastructure required to support development. In areas with this designation, the community will maintain present uses until urban development can commence. Infrastructure improvements to serve this area will not initially be included in the City's CIP, but will be considered in the long term capital improvement planning of the various city and county departments.”

The Comprehensive Plan then addresses how the priority areas are to be used to guide infrastructure financing and utility planning. In particular, on page F 29 and 30 the Plan states:

“The principles for prioritization and the individual priority areas are described as follows:

- *The top priority for the City's CIP is to maintain existing infrastructure, provide for new neighborhood improvements and to complete needed improvements for areas already under development...*
- *Generally, adequate infrastructure improvements should be completed in all Priority A areas where there is development interest prior to beginning infrastructure in Priority B areas.*
- *It is anticipated that there may be some unique circumstances to **warrant consideration of development of land in Priority B**, prior to the full completion of improvements in Priority A. The community will consider development in a sub-basin in Priority B areas, before completing the infrastructure in Priority A areas, if all of the following conditions are met:*
 - 1) the project is contiguous to the City and proposed for immediate annexation, and is consistent with principles of the Comprehensive Plan,*
 - 2) the developer provides information demonstrating how the necessary infrastructure improvements to serve the sub-basin would be provided and financed. The City shall contact other public agencies to obtain their report on the infrastructure necessary to serve the sub-basin including utilities, roads, fire service, public safety, parks, trails, schools and library needs.*
 - 3) the impact that development in the sub-basin will have on capital and operating budgets, level of service, service delivery and Capital Improvement Programs is addressed,*

4) there is demonstrated substantial public benefit and circumstances that warrant approval of the proposal in advance of the anticipated schedule.” (Emphasis added)

There are several issues in regards to extending water and sanitary sewer infrastructure to this site. Some initial improvements are included in the draft 2006 Capital Improvement Program (CIP) to serve the land both north and south of Interstate 80. In addition, the proposed redevelopment plan, which accompanies this application and includes this land plus land south of I80, it proposes TIF financing for some of these improvements. The potential need for a water pump station and a private sanitary sewer lift station to serve this area will be reviewed as part of a more specific application.

Conclusion

In regards to the request to change from Tier II to Tier I Priority A, the draft CIP has already included water and sewer improvements to serve some of this application area. While I80 and Highway 77 will have capacity to serve this area, other needed road improvements to Arbor Road, N. 40th Street and Bluff Road are not included and will be added to the growing list of unfunded but needed road improvements. As this project develops, it will probably be necessary for the developer to construct some of these improvements as the adjacent land develops.

Approval of this amendment is also based on the fact that:

- The draft CIP is based on numerous water and sewer rate increases, new financing sources for the arterial streets, continued revenue from impact fees, and approval of general obligation bonds to pay for watershed, park and fire station improvements. If any of these financing mechanisms are not approved or available, then improvements and services to Priority A areas will be further delayed, and
- It is important that the community move toward the goal of concurrency in improvements — providing utilities to an area in one year, with roads, schools, fire protection and parks lagging years afterward provides citizens with poor service and is contrary to the goals of the Plan.

Industrial and commercial uses are appropriate adjacent to the I80 and the landfill. The proposed site next to I80 fulfills a key location criteria for some industries and distribution centers the City is targeting to expand or locate in Lincoln.

Finally, a future use permit would be the appropriate venue to address more specific issues in regards to the potential impact of the industrial and commercial uses on saline wetlands, adjacent residences, the entryway and Capitol View Corridor as well as infrastructure and Highway 77 access issues.

Amend the Comprehensive Plan as follows:

1. Amend the “Lincoln/Lancaster County Land Use Plan”, figures on pages F23 and F25, to, as shown on the attached Exhibit 1.
2. Amend the “Urban Growth Tier”, figures on pages F27, F31, and F33, to change the land on the northwest corner of N. 56th Street (US Highway 77) and Interstate 80 from Tier II to Tier I, Priority A within the City’s Future Service Limit, and other maps accordingly, to include the land shown as Commercial, Industrial and Low Density as shown on attached Exhibit 1.

Prepared by:

Stephen Henrichsen, AICP shenrichsen@lincoln.ne.gov
Planning Department, (402) 441-6374

Date: July 18, 2006

Applicant: Mark Hunzeker, Pierson/ Fitchett Law Firm
1045 Lincoln Mall, Suite 200
Lincoln, NE 68509
(402) 476- 7621

**COMPREHENSIVE PLAN AMENDMENT NO. 06001
AND
COMPREHENSIVE PLAN CONFORMANCE NO. 06008
“NORTH 56TH STREET & ARBOR ROAD
REDEVELOPMENT PLAN”**

PUBLIC HEARING BEFORE PLANNING COMMISSION:

August 2, 2006

Members present: Carlson, Carroll, Esseks, Larson, Strand, Sunderman and Taylor; Cornelius and Krieser absent.

Staff recommendation: Approval of Comprehensive Plan Amendment No. 06001 and Conformance with the Comprehensive Plan for Comprehensive Plan Conformance No. 06008

Ex-Parte Communication: None

Staff presentation: Steve Henrichsen of Planning staff stated this amendment is a follow-up to Comprehensive Plan Amendment No. 05009, which was part of the Annual Review in 2005. That was about 200 acres north of I-80, west of 56th Street and also west of the landfill. It was about 200 acres that drained by gravity to the south generally to the west of 56th St. That area was designated as light industrial at the time. This amendment is for an additional 400 acres, not all of which immediately drains toward 56th Street. All of the additional 400 acres drains naturally southwest more toward 40th Street. Most of the additional area is to be shown as additional industrial land and approximately 125 acres of the original 200 acres shown as industrial is being changed to commercial. There will be about 125 acres of commercial along the frontage along 56th St. and Hwy. 77 on the northwest corner. The remaining area would be shown as light industrial with small area of low density residential surrounding a few acreage lots developed the last five to ten years on the south side of Bluff Road. All of this area would be added to Priority A as part of the 2025 Comprehensive Plan.

Darl Naumann, Economic Development for the City and County, presented the redevelopment plan. Over two years ago, in a study on economic development conditions in Lincoln, Angelou Economics gave a failing grade to Lincoln for availability of large industrial sites, which need to be buffered from residential uses and out of the floodplain. An update gave Lincoln a D+ this year. Many times, we have had site selectors identify Lincoln as their favorite site and we are rated #4 in Forbes as list of the best places to be; however, many times we have been eliminated once they have looked at the land and we have not been able to provide sites of 80 to 100 acres close to the Interstate, out of the floodplain and buffered from residential.

This plan answers the need for the large industrial sites. Targeted development with private companies investing on N. 56th can improve conditions. The blight study was prepared. The North 56th and Arbor Road Blight Study is not the solution but merely a tool to address targeted development. The total area studied was 1,800 acres along N. 56th Street. There was a finding that development occurring in this general area presents itself as blighted and substandard. The study concluded that

the authority should be granted to proceed with preparation of a redevelopment plan. This redevelopment plan may help us consume this elephant one bite at a time. Design of the area as blighted offers us some tools. It gives existing business access to facade improvement loans from CDBG, and the possibility of tax increment financing for public improvements. The redevelopment plan presents an opportunity to provide visible, easily accessible sites for commercial, industrial and employment center uses. This plan can improve the grade given to Lincoln by Angelou Economics. These sites need to be buffered from residential uses and out of the floodplain. They need sewer and water. Locally, the sewer and water prepare this area for existing companies to expand. The only means to put this area on the market is to provide TIF financing to bring sewer and water to the interstate. We have four-lane streets already built to provide the access to commercial and industrial uses.

Carroll questioned using TIF to bring the infrastructure to the property. What if you do that and the landowners do not want to wait for the big industrial user and want to subdivide and sell off? Naumann replied that is also a problem that Angelou saw. We can guarantee the sewer and water to these sites, but unless a private entity comes along or the businesses join together, it makes it difficult to control that. Carroll suggested there be an agreement that prohibits subdivision for a period of time. Naumann noted we have already designated it for heavy industrial and commercial north of the Interstate which addresses some of those needs. If they cannot get the large industrial user, they can come before the Planning Commission and request a change of zone. The redevelopment plan involves 1,800 acres from south to north.

Esseks inquired if there is a way that this zoning can be altered or specified to protect the Little Salt Creek from contamination. Game & Parks Commission wrote about the dangers. The problem is solvable. There needs to be some type of statement and policy to make sure there is no pollution of the creek.

Henrichsen stated that at the time the property north of the Interstate comes forward with a change of zone, staff can address that issue at that time as part of an annexation agreement or use permit or PUD.

Esseks wondered that since this is a Comprehensive Plan Amendment, if there isn't a way to indicate that policy exactly. Henrichsen replied that a subarea plan would have been the place to include some specific objectives. This is simply a change to the land use map and priority map. There is not a subarea plan. Esseks questioned how we make sure there is some type of statement in the record. Henrichsen suggested that when the specific change of zone comes forward, those issues can be addressed. Public Works does have concern about an access point at Hwy. 77, what this would look like from the Interstate, etc. Those will also be addressed at the time of change of zone.

Carlson wondered about including these concerns in the redevelopment plan. Wynn Hjermsstad of Urban Development replied that staff could certainly include that in the redevelopment plan, but it is just a guide for redevelopment. We can get specific about certain requirements once we get into the redevelopment agreement. There are some projects identified that we are pretty confident will be moving forward and each of those will have individual redevelopment agreements and it is at that time that we can provide those assurances.

Esseks noted that with the Tiger beetle in the area, it might be prudent to have some statement that the City is aware of the need to protect this species and that the change in the Comprehensive Plan puts that species at greater risk.

Proponents

1. Mark Hunzeker appeared on behalf of Developments, Unlimited. The Comprehensive Plan Amendment is a follow-up to what was approved about a year ago and this is largely in response to and hopefully a step toward addressing a need in the community for large industrial sites. We have been working on extending infrastructure north of Salt Creek in this area since about 1994. Now we have finally reached a point where we have some funding in the CIP in some future years. The plan is to use private funding to advance some of the sewer portion of the infrastructure needs and to use TIF to fill that gap. The immediate goal of the redevelopment plan and the redevelopment agreement, which will follow shortly, is to build the sewer and water to the north side of Interstate 80. We will not be proposing any immediate zoning changes to the north side of the Interstate, so the Comprehensive Plan change is simply a future land use. It is not authority to proceed with construction of any buildings, streets, etc. We are in an area where we are fortunate to have the State supplying us with a major four-lane expressway north and south and a soon to be six-lane interstate running east and west. With these major roadways in place and the major infrastructure costs for development, we really need to take advantage of this opportunity to encourage development to occur where we have roads. We are in the process of discussing and drafting a redevelopment agreement which will likely be presented to the City Council almost simultaneously with the redevelopment plan. The redevelopment plan covers a much larger area than the redevelopment agreement. The agreement itself will likely focus on the area nearest Salt Creek and the narrow piece that is required to extend sewer and water from approximately Salt Creek and 56th up to the north side of the Interstate which should attract the larger industrial users. When and if a major industrial user comes to the table on the north side of the Interstate, there will be more than enough opportunity to discuss the rezoning and any use permits requirements. The letter from Game and Parks is over a year old and was the result of a meeting we had with Game and Parks before we actually proposed the last comprehensive plan amendment and before we brought forward the blight study. He believes their concerns can be addressed by appropriate development of the site. We will need to be careful about maintaining existing stormwater flows into Salt Creek as well as avoiding the direction of too much stormwater in that direction and providing sediment basins, etc. Keep in mind, this site, because it is restricted to the east side of 40th Street, is about a mile away from the identified Tiger Beetle habitat. This was done intentionally. Most of this site drains to the south. There will be some issues with sewer and water, but those won't be addressed in the first redevelopment agreement, that being solely for the purpose of getting sewer and water up to the north side of the interstate.

Larson questioned why the Lincoln Partnership for Economic Development is not involved. Hunzeker indicated that they have not been directly involved in the discussions with the City and the Game & Parks Commission. He knows they are aware and maybe it was an oversight on his part for not inviting them to come and participate in this discussion.

Carroll stated that using TIF to bring water and sewer substantially improves the north property. He questioned how long you hold that for a large industrial user. Hunzeker could not give a precise answer. Part of the reason we have requested the 125 commercial designation at the very corner was for that kind of potential. So that if we have major retailers or other non-industrial large site type of users, we will have a place to put them without having to use up the major portion that is set aside for large industrial users. He could not say that they would be willing or able to hold it indefinitely, but the purpose of the commercial designation at the corner is to accommodate smaller users rather than to try and cobble up large sites over time. We think it is important to have the large sites and the clients are committed for as long as they can.

Carroll questioned if using TIF affects the tax base for the school system. Hunzeker replied that it always affects it to some degree but he understands there is a formula that reimburses the school district for revenue it would otherwise get. There was concern about using TIF for residential uses and we have been discussing how far their concern goes. The hope is that we will be able to use only the first phase of what has been called and was approved by this commission as North Bank Junction to supply the TIF for the sewer and water to get up to the Interstate. Beyond that point, the improvements north of the Interstate to the extent they will be serving major industrial type users, there may be some additional TIF that is generated to provide possibly water booster pump or water extensions to loop the area; possibly a short term sewer lift station, etc., but those will not be on the residential portion.

Larson wanted to know if all the land is in the city limits. Hunzeker replied not at this time. North Bank Junction is a project that has been sitting on the City Council agenda on pending for a better part of a year waiting for this to catch up so that we could get financing to bring the sewer across the creek and over to that project. Hopefully we can use the TIF from that project to move these improvements north to the Interstate. The first phase of Northbank Junction will be annexed as part of the redevelopment agreement and annexation agreement. The portion of the property which includes public improvements which will be built using TIF will have to be annexed.

Hunzeker proposed an amendment to the redevelopment plan; Roads and Streets for the purpose of making explicit reference to Alvo Road, which runs parallel to Salt Creek near the south end of this property and will serve as a collector or minor arterial in this area. We added that as a reference. We don't know at this time whether there will be adequate funding from TIF to either reimburse construction costs or to build it outright with TIF, but it is part of the project that we would like to include.

p.10:

Roads and Streets

Public streets and roadways serving the Redevelopment Area include Interstate 80, North 40th and North 70th Streets, which form the west and southeast boundary of the Redevelopment Area, and pass over the Interstate, North 56th Street (US Highway 77) which has a full interchange with the Interstate, Arbor Road, and North 58th Circle, a small cul-de-sac north off of Arbor Road. North 40th, North 56th and North 70th Streets are all section line roads and Arbor Road is a half-section line road. Alvo, the southerly section line road does not exist between North 40th and 70th streets. North 40th Street which is graveled in this area, ends approximately 0.6 miles south of Arbor Road. Arbor Road, runs parallel to the Interstate, is paved from North 70th Street to approximately 1/4 mile west of North 56th Street. Arbor Road continues west beyond the Redevelopment Area boundaries and passes under the Interstate to intersect with North 27th Street and dead-end at North 14th Street. A bridge, which will take Arbor Road over, rather than under, the Interstate will be completed in the Spring of 2006.

p. 19:

Streets and Sidewalks

1. Future arterials in the Redevelopment Area are either gravel or county standard asphalt paving. Streets should be constructed in conjunction with redevelopment projects to enhance arterials and collectors or minor arterials, especially Alvo and Arbor Road.

p. 20:

Sewer and Water

2. A new trunk sewer shall be design and constructed by the City that connects to the 60" sewer located at North 70th Street and the entrance of the Northeast Treatment Plant. This line will be a 36" line and progress west to North 68th Street, cross Salt Creek with a siphon and continue westward until it crosses North 56th Street north of Salt Creek. This trunk sewer should eventually be extended west to approximately 40th Street (size to be determined) will then and also be extended northward, crossing under Interstate 80 to a point approximately ½ mile south of Bluff Road. An additional trunk sewer extension should run westward along the north side of Interstate 80 from North 56th Street to North 40th Street and then run north along the North 40th Street ROW to a point approximately ½ mile south of Bluff Road a lift station and injection line will be located at the northeast corner of North 40th Street and Interstate 80 to transfer wastewater to trunk line located at intersection of North 56th Street and Interstate 80. The combination of these proposed trunk sewers and lift stations will serve the entire redevelopment area and be located in Project Sub-Area E.

The Commissioners indicated they did not have a full copy of the Redevelopment Plan.

Steve Henrichsen believes that this time the intent was that it was sent electronically. In the past, we had always sent a paper copy but we received it electronically. What is already at City Council is the North Bank Annex agreement which has been there for some time.

Marvin Krout, Director of Planning offered that it would be acceptable to defer this for two weeks. The amendments proposed by Mr. Hunzeker will be incorporated.

Strand moved to defer two weeks, seconded by Taylor and carried 7-0: Carlson, Carroll, Esseks, Larson, Strand, Sunderman and Taylor voting 'yes'; Cornelius and Krieser absent.

2. Mike Eckert appeared on behalf of Civil Design Group in support. In regards to the Tiger Beetle Habitat area, we have worked with city staff and one of the first things we did was to be proactive to address this issue. Game & Parks felt there were some hydrology issues that needed to be addressed. They were comfortable that we were staying on the east side of 40th Street. I-3 zoning is recommended and it is a use permit district, which allows us to come back many times before there is ultimate approval.

CONT'D PUBLIC HEARING BEFORE PLANNING COMMISSION

August 16, 2006

Members present: Carlson, Carroll, Cornelius, Esseks, Krieser, Larson, Sunderman and Taylor; Strand absent.

Staff recommendation: Approval of Annexation No. 06011 and Change of Zone No. 06046. Conditional Approval of Special Permit No. 2045A

Ex-Parte Communications: None

Staff presentation: Steve Henrichsen stated that the comprehensive plan amendment only affects the area north of the interstate between 40th to 56th St. The redevelopment plan is for a much larger area from 40th St. all the way to 70th St. on both sides of the interstate, north of Salt Creek, and does not include the land fill.

The amendment submitted relates to the redevelopment plan clarifying some revisions. There is a strip of land between Arbor Road and the interstate that needed to be included, and then clarifying that the suburban residential subdivision being included within one of the project areas is being included but the intent is not to use any of the TIF funds to pay for improvements internal to the residential subdivision.

These amendments will be made prior to City Council.

Wynn Hjermstad appeared to answer questions. She pointed out that at the last meeting, Esseks raised concerns about the environmental issues and we did re-emphasize that in the plan.

Proponents

1. **Mark Hunzeker** appeared on behalf of **Developments Unlimited**. He agreed with the staff and the amended language has been agreed upon. The intent is clear that TIF will be used primarily for the extension of sewer and water to the area north of the interstate and not to be used for internal improvements of the residential subdivision.

2. **Jason Smith** on behalf of **Lincoln Chamber of Commerce and Lincoln Partnership for Economic Development** stated that this community's strategic plan has acknowledged the Angelou report to identify large sites to handle some of the bigger distribution projects which takes a lot of acres and data centers. We have found that there are about 2,000 projects that will take place in the US in any given year with 20,000 organizations chasing those projects. We do not have any sites identified that are large enough and this area will help that situation. Without the infrastructure in place, it is a difficult sell to companies who would take the risk of moving in without the infrastructure. The Chamber and LPED support this Redevelopment plan.

There was no testimony in opposition.

Staff response and questions

Carlson noted that on Page 23 of the plan, project elements, the commercial part talks about various projects elements including construction, replatting and rezoning. He specifically wondered about payment of impact fees. Is there a legal issue as far as paying impact fees?

Hjermstad replied yes, there is a process for primary employers. With respect to using TIF funds for paying impact fees, she has that under consideration at this point in time.

Carlson stated that the City Council dedicated more money to Economic Development and he wonders if the incentive is for primary employees isn't already covered. Hjermstad believes that when staff first started on this plan, the question of impact fees was more clear and it was determined that it would qualify for TIF in some circumstances, but not all. Then the Supreme Court ruling came out and that changed some of this.

Carlson stated that the current structure creates that incentive, so he does not want to create a loophole removing that incentive. Hjermstad replied that was certainly not the intent. Darl Naumann might be able to answer better but he is out of town today. Hjermstad stated as we went through the planning process, it was one of the items that was discussed with developers at length. She emphasized that it is a plan and a guide. It does not mean we will do everything that is in the plan but it gives us the option. We have discussed this with a number of developers throughout the process and she does not want to take it out, but maybe could add some language to firm it up a little bit. Carlson questioned if payment of impact fees would be through the economic development incentive criteria. Hjermstad is not sure yet if TIF can be used for that. Carlson wants to be on record that he would be disappointed if projects came forward that did not meet the wage criteria.

Esseks thinks it might be wise to leave it in there since it says "may" and not "shall" as part of the toolbox.

Carlson wonders if it becomes duplicative and somehow softens the existing mechanism. Esseks believes it is possible that the developers who are interested might just look at this one document.

Rick Peo pointed out that the initial figures as to what might be generated from TIF by this project, the impact fee reimbursement would be very low. It may be a moot point.

Carlson wants to make sure we are attracting higher wage employers.

Carlson would like to look at the financing section on p.28 - sources of funding. Again in terms of direction of principle, he has a concern. We identify CDBG and our traditional rehabilitation established area funding sources, so he has an ongoing concern if we start to tap funds that have been used for rehab in older parts of town. What is the Urban Development Dept.'s direction? Hjermstad replied we just came through a pretty tough budget cycle. Our CDBG funds have been cut. Our entitlement was cut by 10% for next year. As a result of that and other actions we are losing a staff person and that staff person worked with older parts of the city and CDBG funds. The point is, we just don't have the funds that we did have to what we traditionally do in working in older parts of the city, neighborhoods and business areas. A percentage of the CDBG funds are used for economic development. We have historically never used CDBG funds on an edge type project, unless through Economic Development. We don't have the funds to even loan out to businesses like we used to do. She does not foresee using CDBG funds in this Redevelopment area.

There was no testimony in opposition.

Response by the Applicant

Hunzeker reiterated that these are just laundry lists of tools that are available and it is highly unlikely that all of them will be used on any project.

Which of the tools that are listed are determined and prioritized based on the availability of funds, the needs of a particular project development, and the physical character of the site. He does not know what will be concluded regarding the impact fees, but all of these things will be determined by the City Council in approval of the actual redevelopment agreement. This is simply the redevelopment plan and a detailed redevelopment agreement is required before TIF can be used for any project. We don't have a redevelopment agreement signed yet for any of these projects.

COMPREHENSIVE PLAN AMENDMENT NO. 06001

ACTION BY PLANNING COMMISSION:

August 16, 2006

Carroll moved approval, seconded by Sunderman. and carried 8-0: Carlson, Carroll, Cornelius, Esseks, Krieser, Larson, Sunderman and Taylor voting 'yes'; Strand absent. This is a recommendation to the City Council.

COMPREHENSIVE PLAN CONFORMANCE NO. 06008

ACTION BY PLANNING COMMISSION:

August 16, 2006

Carroll moved a finding of conformance with the Comprehensive Plan, seconded by Sunderman and carried 8-0: Carlson, Carroll, Cornelius, Esseks, Krieser, Larson, Sunderman and Taylor voting 'yes'; Strand absent. This is a recommendation to the City Council.

Pierson|Fitchett
LAW FIRM

1045 Lincoln Mall
Suite 200
P.O. Box 95109
Lincoln, NE 68509
(402) 476-7621
fax (402) 476-7465
www.pierson-law.com

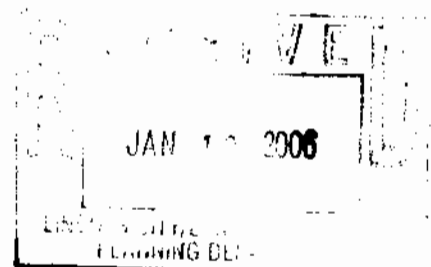
Thomas J. Fitchett
Mark A. Hunzeker
William G. Blake
Peter W. Katt
William C. Nelson
David P. Thompson
Patrick D. Timmer
Randy R. Ewing
Shanna L. Cole
Jason L. Scott

Gary L. Aksamit
of Counsel

January 19, 2006

Marvin Krout
Director of Planning
City of Lincoln
555 S. Street

RE: *North 56th and I-80*



Dear Marvin:

As part of the Long Range Transportation Plan Update, the area lying generally north of I-80, south of Bluffs Road, and between N. 40th and Hwy 77 was included within Draft Future service area.

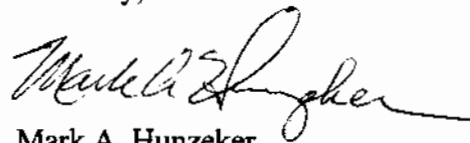
As you know, this area is also within the area declared blighted and substandard by the City Council. We are working toward a redevelopment plan for the area, and intend to bring that forward very soon.

Please consider this our application to amend the current Lincoln/Lancaster County Comprehensive Plan to modify the Future Land Use Map to the area depicted in the attached exhibit as Commercial (red), Industrial (pink) and Residential (yellow), and to include the area in Phase 1, priority A to indicate near-term development of the property.

We continue to have strong interest in this location from prospective large employers. Having the area shown in the Comprehensive Plan for near term development will be advantageous to Lincoln. It will show the prospects that Lincoln is serious about serving the area with utilities and making the area developable within a time a time frame that they can consider.

We recognize that this change will not solve all the issues we face in developing this area. However, it will make an important difference in demonstrating to prospective major employees that Lincoln is serious about moving forward with this area.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark A. Hunzeker", with a stylized flourish at the end.

Mark A. Hunzeker
For the Firm

MAH:sjp

(G:\WPData\MHJTS LLC - Developments Unlimited 5522.001\Comprehensive Plan Amendment.wpd)

DWG: F:\Projects\20050001\Landplanning\Concept\dwg\ref\zoning_exhibit.dwg USER: drommacher

N. 40TH STREET

BLUFF ROAD

RESIDENTIAL, LOW DENSITY

INDUSTRIAL

STATE
OF
NEBRASKA

COMMERCIAL
125 AC (NET)

INTERSTATE 80

N. 56TH STREET (HIGHWAY #77)



drawn by: djr
checked by: mle
project no.: 2005-0001
date: 10/19/2005

COMPREHENSIVE PLAN
N 56TH STREET AND I-80
LINCOLN, NEBRASKA



3901 Normal Blvd, Suite 203
Lincoln, Nebraska 68506
Ph. 402-434-8484 Fax 402-434-8483
www.ch2d&g.com

CONSULTING ENGINEERS • LAND USE PLANNERS
CIVIL DESIGN • SITE DEVELOPMENT • PLANNING AND ZONING

EXHIBIT

1



Nebraska Game and Parks Commission

2200 N. 33rd St. / P.O. Box 30370 / Lincoln, NE 68503-0370

Phone: 402-471-0641 / Fax: 402-471-5528 / www.outdoornebraska.org

15 July 2005

Joan D.S. Darling
Olsson Associates
1111 Lincoln Mall
P.O. Box 84608
Lincoln, NE 68501-4608

Dear Ms. Darling,

This letter was generated in response to a meeting held on 24 June 2005 regarding potential land development in north Lincoln, Nebraska. We appreciated the opportunity to visit with you about proposed development plans well ahead of any construction or permitting. The area proposed to be developed is located north of Interstate 80 between 40th Street and 56th Street and is bounded on the north by Bluff Road. We understand that there is also some intent to develop the area on the west side of 40th Street, but that the area outlined above is of the most immediate interest. Because this area is located within the eastern saline wetland complex the Nebraska Game and Parks Commission (Commission) has some concerns with how development in this area may impact nearby saline wetlands and the species that depend on them. In the following we outline those concerns and offer some recommendations on how to alleviate them.

Saline wetlands and streams are home to hundreds of species, several of which have evolved to depend solely on this salty environment. Two such species are the state listed endangered saltwort (*Salticornia rubra*) and the state listed and federally proposed endangered Salt Creek tiger beetle (*Cicindela nevadica lincolniensis*). In order to promote the survival and recovery of these species within the state of Nebraska, the Commission continues to be concerned about degradation of saline wetlands and stream habitats and the associated watersheds that support these habitats.

The functionality of saline wetlands and streams is dependant on the presence of saline soils and the interaction between freshwater flows and saltwater seeps with those soils. Since proper hydrology is the key to maintaining these wetlands and streams, the Commission takes a watershed approach when examining how the ecosystems will be impacted by potential development. We will not only review a proposed project for direct impacts that it may have on wetlands, such as filling or draining, but also the indirect impacts that altering the landscape within the watershed may have on the hydrology that is contributing to the wetlands and streams in their current state. Further, due to the loss of much of the saline wetland habitat through commercial, residential, and agricultural development, suitable habitat for many saline dependent species, such as the

Salt Creek tiger beetle, has been restricted to stream channels and banks within the complex. Populations of saltwort are also known to occur within some of these saline stream channels. These moist and salty streambanks can be quickly affected by changes in hydrology, erosion, siltation, pollution, or the encroachment of vegetation, due to a change in land management practices that may accompany a project. All of these factors should be considered when planning a development in this area.

There are no known saline wetlands or soils within the proposed development site. However, this site is located within a watershed (12 digit Hydrological Unit Classification) that contains several Category I saline wetlands. A Category I classification for a saline wetland means that the wetland either currently provides saline wetland functions at high value, or has the potential to function at high value following restoration or enhancement (Gilbert and Stutheit 1994). The Arbor Lake Wildlife Management Area, which is located just 0.75-mile west of 40th Street, contains several of these Category I saline wetlands. The streams and wetlands within and near Arbor Lake also house populations of saltwort and the largest remaining Salt Creek tiger beetle population. There are also saline wetlands containing populations of saltwort and the Salt Creek tiger beetle located in Section 30, T11N-R07E, immediately downstream from the proposed development. Due to the close proximity of this development to these high quality saline wetlands and to populations of state listed species; the Commission feels that the indirect impacts of this development should be considered. As projects are proposed on this site several common practices may be responsible for these indirect impacts.

Altered Hydrology

By changing the landscape and land use, through development, the hydrology of the watershed will be altered and this has the potential to change the salinity of the barren salt flats in several ways. By increasing the amount of impervious surfaces (e.g. rooftops, parking lots) in the project area the overland flow is increased both in quantity and in the time it takes to reach the salt flats. This will dilute the salinity of the barren salt flats along the edges of wetlands and streams. Conversely, as areas are leveled for building pads, etc., overland flow may be reduced such that water is retained on the site and not allowed to reach the wetlands or streams. The reduced flow can cause the area to become less saline and/or drier and preclude it as suitable habitat for the Salt Creek tiger beetle or saltwort. Similarly, if borrow material is needed for the project, where that material will come from and how pit design and excavation will impact the hydrology of the watershed should be considered. In general borrow areas should be designed to prevent water retention and ensure that overland flow can occur at a rate similar to what was realized before the area was developed. When large areas of a development site are covered in impervious surfaces the runoff from these surfaces can be stored in borrow areas or retention pools designed to hold the runoff on a temporary basis and release it into the watershed in a manner more closely replicating natural conditions. Studies have shown that the Salt Creek tiger beetle has a very narrow range of salinity and soil moisture within which it will lay eggs (Hoback et al. 2000). Any alteration of that salinity and/or

soil moisture may prevent ovipositing by the beetle and could cause a decline in population numbers.

Altered hydrology can also increase erosion due to increased rate of run-off, redirection of flows and/or concentration of flows. The design and grading of a developed area should ensure that discharge of runoff should not alter or adversely impact the down-slope habitat from the development site. Design of site topography and retention pools can be utilized to eliminate or minimize the effects of altered hydrology.

Contamination

By increasing the amount of impervious surfaces in the watershed it allows freshwater runoff during a storm event to reach the wetlands and streams much quicker and disallows time for contaminants, which may be on those surfaces (e.g. oil, gas, or other vehicle fluids), to settle out before reaching critical wetland or stream habitat. Due to the sensitivity of the area the Commission recommends that stormwater runoff be properly dealt with when preparing site plans for this area. Further, depending on what type of development is being considered, the incorporation of a detention basin to allow contaminants to settle out may be necessary to ensure that contaminants do not reach Salt Creek tiger beetle or saltwort habitat.

Sedimentation

Altered water flows and land cover have the potential to increase sediment delivery to the nearby saline wetlands and streams. This sediment can directly alter the hydrology and salinity of the wetlands and streams and can also cover over saline species of plants and animals, including saltwort and Salt Creek tiger beetle larval burrows. Best management practices will need to be implemented to ensure the sediment will not adversely impact the saline wetlands and streams.

Pesticides

Pesticides applied to outdoor landscaping or insecticides that may be used to control mosquitoes around any development, particularly a housing development, may adversely impact the Salt Creek tiger beetle. This can happen directly, if the beetles come in contact with the pesticides, or indirectly as the prey base for the predatory beetle is reduced or eliminated. The Commission recommends that the developers coordinate with contaminants experts with the U.S. Fish & Wildlife Service, Grand Island, NE, to come up with a list of pre-approved outdoor pesticides that can be used in the area.

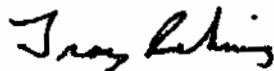
Lighting

Research has shown that the Salt Creek tiger beetle is attracted to a variety of artificial light, and in particular ultraviolet light sources. These light sources can affect the beetle in several ways. Like other beetles, the Salt Creek tiger beetle may use moonlight to

navigate within its habitat and to move between adequate habitats in its highly fragmented range. When artificial light (e.g. security lights, street lights, billboards) increases the level of ambient light in an area near a Salt Creek tiger beetle population, it may reduce the beetle's ability to find adequate ovipositing sites and to mate, and therefore reduce overall reproduction of the species. In addition, beetles are attracted to the artificial light sources and are thus attracted away from adequate habitat in the saline wetlands and likely into harms way. The Commission recommends that light sources within the development be limited to only those necessary for day-to-day operations and security purposes. We recommend the developer explore alternate lighting sources with low ultraviolet output, such as sodium vapor lights, which have proven to reduce the attraction of Salt Creek tiger beetles. Additional recommendations to reduce the affect that artificial light sources have on the Salt Creek tiger beetle include; the shielding of lights or focusing of lights downward to the area of interest, turning lights off or reducing the number of lights that are on from June 15 - August 15 (the time period when adults are most active), and by planting natural buffers (native trees and shrubs) between the developed area and Salt Creek tiger beetle habitat.

We offer the above recommendations as technical assistance and are encouraged by the early coordination on this development. As this project moves forward and design plans are considered the Commission would like to remain involved so we can better assess the impacts that this project may have on state listed species and help to reduce and hopefully eliminate those impacts. If you have any questions or need additional information, please feel free to contact me.

Sincerely,



Troy Rahmig
Environmental Analyst Supervisor
Nebraska Natural Heritage Program
Nebraska Game and Parks Commission
(402) 471-5444
trahmig@ngpc.state.ne.us

References

- Gilbert, M.C. and R.G. Stuthelt, eds. 1994. Resource categorization of Nebraska's eastern saline wetlands. Prepared for the Eastern Nebraska Saline Wetlands Interagency Study Project. U.S. Army Corps of Engineers, Omaha District, and Nebraska Game and Parks Commission. 18 pp.
- Hoback, W.W., D.A. Golick, T.M. Svatos, S.M. Spomer, and H.G. Higley. 2000. Salinity and shade preferences result in ovipositional differences between sympatric tiger beetle species. *Ecological Entomology* 25:180-187.

**Cc: John Schleich, CIP
Tom Schleich, CIP
Steve Anschutz, USFWS
Frank Albrecht, NGPC
Carey Grell, NGPC
Mike Fritz, NGPC
Ted LaGrange, NGPC**



Lincoln MPO
Public Works and Utilities Department
COMPREHENSIVE PLAN AMENDMENT

Date: February 17, 2006

FEB 22 2006

To: Steve Henrichsen, Planning Department

From: Mike Brienzo, Transportation Planning *MB*

Subject: *Comprehensive Plan Amendment #06001:
US-77 (North 56th Street) & I-80*

Copies To: Randy Hoskins, Roger Figard, Marc Rosso, Karl Fredrickson
Virendra Singh, Dennis Bartels, Kelly Sieckmeyer

Public Works: Long Range Transportation Planning recommendation is for conditional approval of proposed *Comprehensive Plan Amendment #06001, US Highway 77 (North 56th) and I-80.*

As proposed, this amendment will modify the future land use map to depict a mix of Commercial, Industrial and Residential uses and include this area in Phase 1, Priority A which would indicate near-term development of this area. This area is considerable, over one square mile in size (685 acres) bounded on the north by Bluff Road (a gravel roadway); on the south by I-80; on the east by US-77 (expressway) and on the west by North 40th Street (a gravel roadway). The proposed commercial occupies approximately 125 acres while the industrial and residential occupy approximately 440 and 120 acres respectively. The proposed 125 acre commercial use is located in the southeast corner of the section bounded by US-77 on the east and I-80 on the south with limited access potential. It should be noted that US-77 is a Federal Highway under jurisdiction of the Nebraska Department of Roads with a posted speed limit of 65 mph.

If approved, the number of vehicular trips generated at build-out would have a significant impact on the transportation network in this area. As a result, our recommendation is for approval of this amendment is to be contingent on restricting access to one full access from US Highway 77 approximately 1/2 mile south of Bluff Road. This access is to be located to insure proper spacing between the I-80 ramps and this proposed intersection. Since US-77 is a federal highway, State approval for access will be required.

It is important to recognize that county road facilities are scaled to meet rural development and are not the correct grades nor the correct design to serve urban development. The Transportation Plan shows urban roadway improvements to Arbor Road but improvements for 40th Street and Bluff Road are not in the plan. These roadways need to be included in discussions regarding the Comprehensive Plan Update and approval needs to be contingent on road improvements to North 40th Street, Bluff Road, and Arbor Road. A traffic impact study is required to determine the full extent of needed roadway improvements.